

MDL 1570 PLAINTIFFS' EXECUTIVE COMMITTEES

In re: Terrorist Attacks on September 11, 2001 (S.D.N.Y.)

Plaintiffs' Executive Committee for Personal Injury and Death Claims	Plaintiffs' Executive Committee for Commercial Claims
Ronald L. Motley (1944-2013) Jodi Westbrook Flowers / Donald A. Migliori, <i>Co-Chairs</i> MOTLEY RICE LLC James P. Kreindler, <i>Co-Chair</i> KREINDLER & KREINDLER LLP	Stephen A. Cozen, <i>Co-Chair</i> Sean Carter, <i>Co-Chair</i> COZEN O'CONNOR
Andrew J. Maloney III, <i>Co-Liaison Counsel</i> KREINDLER & KREINDLER LLP Robert T. Haefele, <i>Co-Liaison Counsel</i> MOTLEY RICE LLC	J. Scott Tarbutton, <i>Liaison Counsel</i> COZEN O'CONNOR

VIA ECF

May 15, 2019

The Honorable Sarah Netburn, U.S. Magistrate Judge
 United States District Court for the S.D.N.Y.
 Thurgood Marshall U.S. Courthouse, Room 430
 40 Foley Square
 New York, NY 10007

Re: *In Re: Terrorist Attacks on September 11, 2001, 03 MDL 1570 (GBD) (SN)*

Dear Judge Netburn,

On behalf of the Plaintiffs' Executive Committees and with the agreement of the Department of Justice on behalf of the FBI, and as Your Honor directed during the status conference on Monday, May 13, 2019, we are writing to propose jointly the following briefing schedule concerning the referenced motions to compel:

- Plaintiffs will file their motion to compel as to the four individuals (Jraithen, al-Sadhan, al-Sudairy, and Abdi Mohammed) and to release an unredacted version of the 2012 Summary Report by May 31, 2019. Plaintiffs will also ask that the Court direct the FBI to produce immediately an unredacted version of the 2012 Summary Report for *in camera* review, as an interim measure to speed the resolution of the motion to compel.
- By May 22, 2019, plaintiffs will serve the DOJ with a letter identifying the redactions to the 2012 Summary Report they intend to challenge.
- The FBI will respond to plaintiffs' motion to compel as to the four individuals by June 21, 2019. If the FBI intends to oppose *in camera* review of the unredacted 2012 Summary Report by the Court, those arguments will be included in its June 21, 2019 brief.
- The FBI will respond to plaintiffs' motion to compel release of an unredacted version of the 2012 Summary Report by August 30, 2019. If the FBI is going to submit any affidavits or declarations in support of assertions of privilege (state secrets or otherwise) or any other

The Honorable Sarah Netburn

May 15, 2019

Page 2

grounds to withhold information from the 2012 Summary Report, those shall be submitted with the FBI's opposition by August 30, 2019.

- The PECs and DOJ agree that reply briefs will be necessary and appropriate in relation to these issues. The PECs and DOJ agree that they will confer after each FBI opposition is filed to determine an appropriate deadline and other details for plaintiffs' reply to the FBI's briefs.

Respectfully submitted,

KREINDLER & KREINDLER LLP

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For the Plaintiffs' Exec. Committees

cc: The Honorable George B. Daniels, via ECF
All Counsel of Record via ECF